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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,265	12/06/2001	Daniel Joseph Wolff	01.123.01	4471

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EXAMINER
BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,8-15,19-27 and 31-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,8-15,19-27 and 31-44* is/are rejected.

7)☒ Claim(s) *25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The applicant argues that the virus checker teaching does not meet the applicant's claim language that "configuration data determines which malware scanning algorithms should be selected for a particular file". The examiner argues that for that particular claim language, it is inherent that any virus scanner, to execute scanning, would have to select a pattern or algorithm to scan a particular file.

Specification

2. Claim 25 is objected to because of the following informalities: the amended part of claim 25 recites "scanning engine ode responsive" The examiner believes "ode" should be "is". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites where the proxy device "is assigned the same identifier as is assigned to the file storage device" and also recites "each file storage device to be connected to the proxy device, each file storage device having a different identifier and the proxy device being assigned multiple identifiers"

It is unclear if theses identifiers are the same. If the proxy has an identifier that is the same as the file storage device, and the file storage devices have identifiers that are different, then the proxy device will have identifiers that are not the same as the one file storage device. The claim is indefinite, appropriate correction is required.

Claim 39 is rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant states that the file storage device is "associated" with a proxy device. The use of the word associated is indefinite, it is unclear what the relationship between the storage device and proxy device is. Appropriate correction is required.

Claim 41 is rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant states that the "minimal" file

scanning is done. The use of the word minimal is indefinite, it is unclear exactly

what qualifies as "minimal". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-9, 12, 13, 15-21, 24, 25, 27-33, 36, 39-41 are rejected under 35

U.S.C. 103(a) as being unpatentable over Tso US 6,088,803 in view of Ceniza

US 2002/0186698.

As per claims 1, 13, 25, and 37 Tso teaches a proxy device for performing

malware scanning of files from a file storage device, (Col 2 lines 26-45). Tso

teaches a plurality of devices arranged to issue access requests to access files,

(Col 2 lines 30-36). Tso teaches receiving a request for access, (Col 2 lines 63-

65). Tso teaches accessing the file storage device, (Col 2 line 67- Col 3 line 3).

Tso teaches scanning the accessed file for viruses, (Col 3 lines 2-10, Col 5 lines

15-26).

Tso does not teach identifiers.

Ceniza teaches that the computer network is assigned identifiers, where the proxy

device is assigned the same identifier as the storage device as shown on Network

D(Actual LAN IP addresses, and Virtual LAN addresses), ([0043] Fig 4.)

Ceniza teaches that the proxy is assigned to multiple devices each with a separate

identifier, as shown on Network B, (Actual LAN IP addresses, and Virtual LAN

addresses) ([0042] Fig 4).

It would have been obvious to one of ordinary skill in the art to use the proxy

address system of Ceniza with the proxy malware scanning system of Tso because

the addressing system is more efficient and decreases the chance of error, (Ceniza,

[0021].

As per claims 8, 9, 20, 21 32, and 33, Tso teaches storing files previously

accessed and scanned to shorten access times for clients, (Col 5 lines 1-13).

As per claims 39, and 40, Tso teaches the proxy device is associated with all of

the file storage devices, (Fig 1).

As per claim 41, Tso teaches a minimal of scanning, (Col 5 lines 19-23).

Claims 3, 12, 15, 24, 27, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in

view of Gardner US 5,583,995

As per claims 3, 15, and 27, the previous Tso-Ceniza combination did not teach

NFS file protocol, or load balancing.

Gardner teaches using the NFS file protocol, (Col 16 line 66- Col 17 line 1)

As per claims 12, 24, and 36, Gardner teaches load balancing for data retrieval, Col 10 lines 55-65).

It would have been obvious to one of ordinary skill in the art to use the load balancing of Gardner with the previous combination of Tso-Ceniza to avoid network bottlenecks.

Claims 2, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in view of Edmonds US 6,230190

As per claims 2, 14, and 26 the previous Tso-Ceniza combination teaches use of fails to teach SMB protocol.

Edmonds teaches that the use of NFS and SMB protocols are equivalent, (Col 4 lines 30-35). It would have been obvious for one of ordinary skill in the art to use the SMB protocol of Edmonds with the network system of Tso-Ceniza because the extra protocol would expand the flexibility of the system.

Claims 10, 22, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in view of Cuomo US 2002/0091757.

As per claims 10, 22, and 34, the previous Tso-Ceniza combination teaches a proxy in a network Tso-Ceniza fails to teach forwarding access attributes to a file storage access device for a validation check.

Cuomo teaches a proxy that forwards user attributes to the device the user is

trying to access, wherein the device processes the authentication request, [0007].

It would have been obvious to one of ordinary skill in the art to use the proxy

forwarding of Cuomo with the system of Tso-Ceniza because the authentication at

the file storage device enhances the security of the system.

Claims 11, 23, and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in

view of Cuomo US 2002/0091757 in view of Chang US 6,715,082

As per claims 11, 23, and 35, the previous Tso-Ceniza Cuomo system fails to

teach storing the predetermined authentication attributes.

Chang teaches storing usernames in a system cache, (Col 8 table 1).

It would have been obvious for one of ordinary skill in the art to use the cache of

Chang with the system of Tso-Ceniza -Cuomo because the cache allows the user

to gain access more rapidly.

Claims 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in view of Ji US

5,623,600

As per claims 37, and 38, the Tso-Ceniza combination does not teach additional

processing logic.

Ji teaches analyzing the file type to determine scanning of the file, (Col 7 lines 30-65).

It would have been obvious to one of ordinary skill in the art to use the scanning method of Ji with the proxy system of Tso-Ceniza because it improves speed by not having to scan every transferred file.

Claims 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in view of Bector US 6,687,732.

As per claims 42, and 43 the previous Tso-Ceniza combination does not teach what happens when the proxy fails.

Bector teaches that if the proxy fails, network traffic is routed around the proxy, (Col 13 lines 55-67).

It would have been obvious to use the routing of Bector with the proxy system of Tso-Ceniza to avoid a network breakdown.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tso US 6,088,803 in view of Ceniza US 2002/0186698 in view of Cuomo US 2002/0091757 in view of Rao US 6,078,929.

As per claim 44 the previous Tso-Ceniza-Cuomo-Chang system fails to teach storing domain, or addresses as attributes.

Rao teaches that along with user name and password, domain name and IP address are also part of the access protocol.

It would have been obvious to use Raos protocol with the previous proxy system of Tso-Ceniza because it allows access without regard to machine type or operating system (Rad Col 5 lines 60-63).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
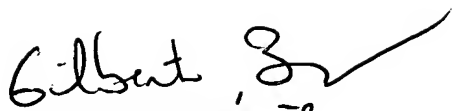
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Christopher J. Brown   1/08/06

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